

**U.S. District Court
District of Connecticut (New Haven)
CIVIL DOCKET FOR CASE #: 3:17-cv-01660-AWT**

Vietnam Veterans of America et al v. Defense
Assigned to: Judge Alvin W. Thompson
Cause: 05:552 Freedom of Information Act

Date Filed: 10/03/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Vietnam Veterans of America

represented by **Michael J. Wishnie**
Jerome N. Frank Legal Services – Wall St
Yale Law School
127 Wall Street
New Haven, CT 06511
203-432-4800
Fax: 203-432-1426
Email: michael.wishnie@ylsclinics.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Renee A. Burbank
Yale Law School
P.O. Box 209090
New Haven, CT 20530
203-432-3928
Email: renee.burbank@ylsclinics.org
ATTORNEY TO BE NOTICED

Plaintiff

**Connecticut State Council of Vietnam
Veterans of America**

represented by **Michael J. Wishnie**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Renee A. Burbank
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Anthony D. Maloni

represented by **Michael J. Wishnie**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Renee A. Burbank
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Department of Defense

represented by **Natalie Nicole Elicker**
U. S. Attorney's Office-CT
157 Church Street
24th Floor
New Haven, CT 06519
203-821-3700
Fax: 203-773-5373

Date Filed	#	Docket Text
10/03/2017	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$400 receipt number 0205-4554546.), filed by Vietnam Veterans of America, Anthony Maloni, Vietnam Veterans of America Connecticut State Council. (Attachments: # <u>1</u> Exhibit A-H)(Wishnie, Michael) (Entered: 10/03/2017)
10/03/2017		Judge Alvin W. Thompson added. (Anastasio, F.) (Entered: 10/03/2017)
10/03/2017	<u>2</u>	ENTERED IN ERROR – Order on Pretrial Deadlines: Motions to Dismiss due on 01/03/2018. Amended Pleadings due by 12/2/2017 Discovery due by 4/4/2018 Dispositive Motions due by 5/4/2018 Signed by Clerk on 10/3/2017.(Enderlin, M.) Modified to edit docket text on 10/4/2017 (Enderlin, M.). (Entered: 10/03/2017)
10/03/2017	<u>3</u>	ELECTRONIC FILING ORDER – PLEASE ENSURE COMPLIANCE WITH COURTESY COPY REQUIREMENTS IN THIS ORDER Signed by Judge Alvin W. Thompson on 10/3/2017.(Enderlin, M.) (Entered: 10/03/2017)
10/03/2017	<u>4</u>	STANDING PROTECTIVE ORDER Signed by Judge Alvin W. Thompson on 10/3/2017.(Enderlin, M.) (Entered: 10/03/2017)
10/03/2017	<u>5</u>	NOTICE TO COUNSEL: Counsel initiating or removing this action are responsible for serving all parties with attached documents and copies of <u>4</u> Protective Order, <u>1</u> Complaint, filed by Vietnam Veterans of America, Anthony D. Maloni, Connecticut State Council of Vietnam Veterans of America, <u>3</u> Electronic Filing Order, <u>2</u> Order on Pretrial Deadlines Signed by Clerk on 10/3/2017.(Enderlin, M.) (Entered: 10/03/2017)
10/04/2017		Docket Entry Correction re <u>2</u> Order on Pretrial Deadlines, Entered in Error. (Enderlin, M.) (Entered: 10/04/2017)
10/04/2017	<u>6</u>	AMENDED NOTICE TO COUNSEL: Counsel initiating or removing this action are responsible for serving all parties with attached documents and copies of <u>4</u> Protective Order, <u>1</u> Complaint, filed by Vietnam Veterans of America, Anthony D. Maloni, Connecticut State Council of Vietnam Veterans of America, <u>3</u> Electronic Filing Order Signed by Clerk on 10/4/2017.(Enderlin, M.) (Entered: 10/04/2017)
10/05/2017		Request for Clerk to issue summons as to Department of Defense. (Wishnie, Michael) (Entered: 10/05/2017)
10/06/2017	<u>7</u>	ELECTRONIC SUMMONS ISSUED in accordance with Fed. R. Civ. P. 4 and LR 4 as to *Department of Defense* with answer to complaint due within *30* days. Attorney *Michael J. Wishnie* *Jerome N. Frank Legal Services – Wall St. / Yale Law School* *127 Wall Street* *New Haven, CT 06511*. (Enderlin, M.) (Entered: 10/06/2017)
10/16/2017	<u>8</u>	CERTIFICATE OF SERVICE by Connecticut State Council of Vietnam Veterans of America, Anthony D. Maloni, Vietnam Veterans of America (Wishnie, Michael) (Entered: 10/16/2017)
11/09/2017	<u>9</u>	NOTICE of Appearance by Natalie Nicole Elicker on behalf of Department of Defense (Elicker, Natalie) (Entered: 11/09/2017)
11/09/2017	<u>10</u>	MOTION for Extension of Time to Respond to <u>1</u> Complaint, by Department of Defense. (Elicker, Natalie) (Entered: 11/09/2017)
11/10/2017	<u>11</u>	RESPONSE re <u>10</u> MOTION for Extension of Time to Respond to <u>1</u> Complaint, filed by Connecticut State Council of Vietnam Veterans of America, Anthony D. Maloni, Vietnam Veterans of America. (Wishnie, Michael) (Entered: 11/10/2017)
11/14/2017	<u>12</u>	ORDER: The government's Motion for Extension of Time (Doc No. <u>10</u>) to respond to the Complaint (Doc. No. <u>1</u>) is hereby GRANTED up to and including 12/12/2017. It

		is so ordered. Signed by Judge Alvin W. Thompson on 11/14/2017. (Cole–Chu, H.) (Entered: 11/14/2017)
11/14/2017		Answer deadline updated for Department of Defense to 12/12/2017. (Ferguson, L.) (Entered: 11/15/2017)
12/04/2017	<u>13</u>	MOTION for Leave to Appear Law Student Interns <i>Jacob Bennett, Meghan Brooks, John Frawley</i> Attorney Michael J. Wishnie. by Connecticut State Council of Vietnam Veterans of America, Anthony D. Maloni, Vietnam Veterans of America. (Wishnie, Michael) (Entered: 12/04/2017)
12/08/2017	14	ORDER: The motion requesting leave for Jacob Bennett, Meghan Brooks and John Frawley to appear on behalf of the plaintiffs as Law Student Interns pursuant to Local Rule 83.9 (Doc. No. <u>13</u>) is hereby GRANTED. The Clerk shall enter the appearances of Jacob Bennett, Meghan Brooks and John Frawley as Law Student Interns on behalf of the plaintiffs. It is so ordered. Signed by Judge Alvin W. Thompson on 12/08/2017. (Cole–Chu, H.) (Entered: 12/08/2017)
12/08/2017	<u>15</u>	ANSWER to <u>1</u> Complaint, with Affirmative Defenses by Department of Defense.(Elicker, Natalie) (Entered: 12/08/2017)
12/11/2017	16	ORDER MODIFYING DOCKET ENTRY #14: The motion requesting leave for Jacob Bennett, Meghan Brooks and John Frawley to appear on behalf of the plaintiffs as Law Student Interns pursuant to Local Rule 83.9 (Doc. No. <u>13</u>) is hereby GRANTED. The Law Student Interns' names, however, will not appear on the docket. It is so ordered. Signed by Judge Alvin W. Thompson on 12/11/2017. (Cole–Chu, H.) (Entered: 12/11/2017)
03/08/2018	<u>17</u>	Joint MOTION for Proposed Scheduling Order by Connecticut State Council of Vietnam Veterans of America, Anthony D. Maloni, Vietnam Veterans of America. (Attachments: # <u>1</u> Text of Proposed Order)(Wishnie, Michael) (Entered: 03/08/2018)
03/14/2018	<u>18</u>	ORDER: As set forth in the attached Order, the parties' Motion for Entry of Scheduling Order (Doc. No. <u>17</u>) is granted. Dispositive motions by the defendant, if any, are due by November 1, 2018, and dispositive motions by the plaintiffs, if any, are due by November 30, 2018. Signed by Judge Alvin W. Thompson on 03/14/2018. (Cole–Chu, H.) (Entered: 03/14/2018)
03/14/2018		Set Deadlines: Defendant's Dispositive Motions due by 11/1/2018; Plaintiff's Dispositive Motions due by 11/30/2018. (Ferguson, L.) (Entered: 03/30/2018)
06/07/2018	<u>19</u>	Joint MOTION for Extension of Time until 9/15/18 to complete production and to otherwise Modify the Scheduling Order by Department of Defense. (Elicker, Natalie) (Entered: 06/07/2018)
06/12/2018	20	ORDER: The Joint Motion to Modify the Scheduling Order (Doc. No. <u>19</u>) is hereby GRANTED. Dispositive motions by the defendant, if any, are due by 11/21/2018 and dispositive motions by the plaintiff, if any, are due by 12/21/2018. All other proposed deadlines in the motion are approved. It is so ordered. Signed by Judge Alvin W. Thompson on 06/12/2018. (Cole–Chu, H.) (Entered: 06/12/2018)
09/17/2018	<u>21</u>	Consent MOTION for Extension of Time until 10/15/2018 <i>to Complete</i> Production, and for Partial Modification of the Scheduling Order as Stated by Department of Defense. (Elicker, Natalie) (Entered: 09/17/2018)
09/21/2018	22	ORDER: Defendant's Motion for Extension of Time and Partial Modification of the Scheduling Order (Doc. No. <u>21</u>) is hereby GRANTED. It is so ordered. Signed by Judge Alvin W. Thompson on 09/21/18. (Patel, Ranit) (Entered: 09/21/2018)
10/15/2018	<u>23</u>	Consent MOTION for Extension of Time until 12/14/2018 <i>for the</i> Production Deadline, and for Modification of the Scheduling Order by Department of Defense. (Elicker, Natalie) (Entered: 10/15/2018)
10/17/2018	24	ORDER: Defendant's Motion for Extension of Time and Modification of the Scheduling Order (Doc. No. <u>23</u>) is hereby GRANTED. All discovery shall be completed by 12/21/2018. Dispositive motions shall be filed by 4/4/2019. All other dates requested in this motion are also approved. It is so ordered. Signed by Judge Alvin W. Thompson on 10/17/18. (Patel, Ranit) (Entered: 10/17/2018)

10/17/2018		Set Deadlines: Discovery due by 12/21/2018. Dispositive Motions due by 4/4/2019. (Ferguson, L.) (Entered: 10/18/2018)
12/11/2018	<u>25</u>	Consent MOTION for Extension of Time until 2/12/2019 for the Production Deadline, and for Modification of the Scheduling Order by Department of Defense. (Elicker, Natalie) (Entered: 12/11/2018)
12/13/2018	26	ORDER: Defendant's Motion for Extension of Time and Modification of the Scheduling Order (ECF No. <u>25</u>) is hereby GRANTED. All discovery shall be completed by 2/19/2019. Dispositive motions shall be filed by 6/3/2019. All other dates requested in this motion are also approved. It is so ordered. Signed by Judge Alvin W. Thompson on 12/13/2018. (Patel, R.) (Entered: 12/13/2018)
12/13/2018		Set Deadlines: Discovery due by 2/19/2019. Dispositive Motions due by 6/3/2019. (Ferguson, L.) (Entered: 12/14/2018)
02/12/2019	<u>27</u>	Third MOTION for Extension of Time <i>for</i> production and for modification of the scheduling order by Department of Defense. (Elicker, Natalie) (Entered: 02/12/2019)
02/12/2019	<u>28</u>	MOTION for Leave to Appear Attorney Renee Burbank. by Connecticut State Council of Vietnam Veterans of America, Anthony D. Maloni, Vietnam Veterans of America. (Burbank, Renee) (Entered: 02/12/2019)
02/13/2019	29	ORDER: Defendant's Motion for Extension of Time and Modification of the Scheduling Order (ECF No. <u>27</u>) is hereby GRANTED. All discovery shall be completed by 5/20/2019. Dispositive motions shall be filed by 7/21/2019. All other dates requested in this motion are also approved. It is so ordered. Signed by Judge Alvin W. Thompson on 2/13/2019. (Patel, R.) (Entered: 02/13/2019)
02/13/2019		Set Deadlines: Discovery due by 5/20/2019. Dispositive Motions due by 7/21/2019. (Ferguson, L.) (Entered: 02/21/2019)
03/08/2019	<u>30</u>	MOTION for Summary Judgment (<i>Partial</i>) by Connecticut State Council of Vietnam Veterans of America, Anthony D. Maloni, Vietnam Veterans of America. Responses due by 3/29/2019 (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Material Facts, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 1-A, # <u>5</u> Exhibit 1-B, # <u>6</u> Exhibit 1-C.1, # <u>7</u> Exhibit 1-C.2, # <u>8</u> Exhibit 1-C.3, # <u>9</u> Exhibit 1-D, # <u>10</u> Exhibit 1-E, # <u>11</u> Exhibit 2)(Burbank, Renee) (Entered: 03/08/2019)
03/26/2019	<u>31</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>30</u> MOTION for Summary Judgment (<i>Partial</i>) until 4/5/2019 by Department of Defense. (Elicker, Natalie) (Entered: 03/26/2019)
04/02/2019	32	ORDER: Defendant's Motion for Extension of Time (ECF No. <u>31</u>) is hereby GRANTED up to and including 4/5/2019. It is so ordered. Signed by Judge Alvin W. Thompson on 4/2/2019. (Patel, R.) (Entered: 04/02/2019)
04/02/2019		Set/Reset Deadlines as to <u>30</u> MOTION for Summary Judgment (<i>Partial</i>). Responses due by 4/5/2019. (Ferguson, L.) (Entered: 04/03/2019)
04/05/2019	<u>33</u>	Cross MOTION for Summary Judgment (<i>Partial</i>) by Department of Defense. Responses due by 4/26/2019 (Attachments: # <u>1</u> Memorandum in Support of Cross Motion for Partial Summary Judgment, and in Opposition to Plaintiffs' Motion for Partial Summary Judgment, # <u>2</u> Statement of Material Facts Local Rule 56(a)2 and 56(a)1 Statements, # <u>3</u> Table of Contents to Exhibits, # <u>4</u> Exhibit Pellett Declaration)(Elicker, Natalie) (Entered: 04/05/2019)
04/19/2019	<u>34</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>30</u> MOTION for Summary Judgment (<i>Partial</i>), <u>33</u> Cross MOTION for Summary Judgment (<i>Partial</i>) until May 10, 2019 by Connecticut State Council of Vietnam Veterans of America, Anthony D. Maloni, Vietnam Veterans of America. (Burbank, Renee) (Entered: 04/19/2019)
04/22/2019	35	ORDER: Consent MOTION for Extension of Time until May 10, 2019 to File Response/Reply (ECF No. <u>34</u>) as to Partial MOTION for Summary Judgment (ECF No. <u>30</u>) and Cross MOTION for Summary Judgment (ECF No. <u>33</u>) is hereby GRANTED. It is so ordered. Responses due by 5/10/2019. Signed by Judge Alvin W. Thompson on 4/22/19. (Ferguson, L.) (Entered: 04/23/2019)

05/10/2019	<u>36</u>	Fourth MOTION for Extension of Time until 8/11/2019 <i>for production deadline, and for modification of the scheduling order</i> by Department of Defense. (Elicker, Natalie) (Entered: 05/10/2019)
05/10/2019	<u>37</u>	REPLY to Response to <u>30</u> MOTION for Summary Judgment (<i>Partial</i>), <u>33</u> Cross MOTION for Summary Judgment (<i>Partial</i>) (<i>Response</i>) filed by Connecticut State Council of Vietnam Veterans of America, Anthony D. Maloni, Vietnam Veterans of America. (Attachments: # <u>1</u> Supplement Attachment A, # <u>2</u> Statement of Material Facts)(Burbank, Renee) (Entered: 05/10/2019)
05/23/2019	<u>38</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>33</u> Cross MOTION for Summary Judgment (<i>Partial</i>) until 05/31/2019 by Department of Defense. (Elicker, Natalie) (Entered: 05/23/2019)
05/24/2019	39	ORDER: Defendant's Motion for Extension of Time (ECF No. <u>38</u>) is hereby GRANTED up to and including 5/31/2019. It is so ordered. Signed by Judge Alvin W. Thompson on 5/24/2019. (Patel, R.) (Entered: 05/24/2019)
05/24/2019		Set/Reset Deadlines as to <u>33</u> Cross MOTION for Summary Judgment (<i>Partial</i>). Responses due by 5/31/2019. (Ferguson, L.) (Entered: 05/28/2019)
05/29/2019	40	ORDER: Defendant's Motion for Extension of Time and Modification of the Scheduling Order (ECF no. <u>36</u>) is hereby GRANTED. The deadlines are extended as follows: Defendant shall complete production of responsive, non-exempt records, including documents recently under review by the Air Force by 8/11/2019; defendant shall produce all search declarations and Vaughn indices by 8/18/2019; plaintiff will identify what is not consented by 9/8/2019; defendant shall file its motion for summary judgment by 9/28/2019; plaintiff shall file its cross-motion for summary judgment by 10/19/2019; defendant shall file its reply in support of its motion for summary judgment by 10/16/2019; and plaintiff shall file its reply in support of its motion for summary judgment by 11/30/2019. It is so ordered. Signed by Judge Alvin W. Thompson on 5/29/2019. (Patel, R.) (Entered: 05/29/2019)
05/29/2019		Set Deadlines: Dispositive Motions due by 9/28/2019 (Ferguson, L.) (Entered: 05/30/2019)
05/31/2019	<u>41</u>	MOTION for Leave to File <i>Supplemental Declarations</i> by Department of Defense. (Elicker, Natalie) (Entered: 05/31/2019)
05/31/2019	<u>42</u>	REPLY to Response to <u>33</u> Cross MOTION for Summary Judgment (<i>Partial</i>) filed by Department of Defense. (Attachments: # <u>1</u> Exhibit 2 – J. Pellett Second Decl., # <u>2</u> Exhibit 3 – B. Trinh Decl.)(Elicker, Natalie) (Entered: 05/31/2019)
06/01/2019	<u>43</u>	MOTION to Amend/Correct <u>42</u> Reply to Response to Motion by Department of Defense. Responses due by 6/22/2019 (Attachments: # <u>1</u> Corrected Ex. 1 to Def. Ex. 2, J. Pellett Decl. May 31, 2019 (doc. #42-1, page 4 of 14), # <u>2</u> Corrected Def. Ex. 3, B. Trinh Decl., May 31, 2019 (doc. #42-2))(Elicker, Natalie) (Entered: 06/01/2019)
06/03/2019	44	ORDER: Motion to Amend/Correct Reply to Response to Motion (ECF No. <u>43</u>) is hereby GRANTED. It is so ordered. Signed by Judge Alvin W. Thompson on 6/3/19. (Ferguson, L.) (Entered: 06/04/2019)
06/03/2019	45	ORDER: Motion for Leave to File Supplemental Declarations (ECF No. <u>41</u>) is hereby GRANTED. It is so ordered. Signed by Judge Alvin W. Thompson on 6/3/19. (Ferguson, L.) (Entered: 06/04/2019)
06/13/2019	<u>46</u>	MOTION for Leave to File <i>Sur-Reply</i> by Connecticut State Council of Vietnam Veterans of America, Anthony D. Maloni, Vietnam Veterans of America. (Attachments: # <u>1</u> Sur-Reply)(Burbank, Renee) (Entered: 06/13/2019)
06/21/2019	47	ORDER: Plaintiff's Motion for Leave to File Sur-Reply (ECF No. <u>46</u>) is hereby GRANTED. It is so ordered. Signed by Judge Alvin W. Thompson on 6/21/2019. (Patel, R.) (Entered: 06/21/2019)
08/12/2019	<u>48</u>	Fifth MOTION for Extension of Time until 11/09/2019 for production deadline, and for modification of the scheduling order by Department of Defense. (Elicker, Natalie) (Entered: 08/12/2019)

08/19/2019	<u>49</u>	ORDER: Defendant's Motion for Extension of Time and Modification of the Scheduling Order (ECF No. <u>48</u>) is hereby GRANTED for 60 days. The deadlines are extended as follows: Defendant shall complete production of responsive, non-exempt records, including documents recently under review by the Air Force by 10/11/2019; defendant shall produce all search declarations and Vaughn indices by 10/17/2019; plaintiff will identify what is not consented to by 11/7/2019; defendant shall file its motion for summary judgment by 11/27/2019; plaintiff shall file its response to the defendant's motion for summary judgment and its cross-motion for summary judgment by 12/18/2019; defendant shall file its response to plaintiff's cross-motion for summary judgment and its reply in support of its motion for summary judgment by 1/3/2020; and plaintiff shall file its reply in support of its cross-motion for summary judgment by 1/17/2020. It is so ordered. Signed by Judge Alvin W. Thompson on 8/19/2019. (Patel, R.) (Entered: 08/19/2019)
08/19/2019		Set Deadlines: Dispositive Motions (Motion for Summary Judgment) due by 11/27/2019 (Ferguson, L.) (Entered: 08/20/2019)
10/11/2019	<u>50</u>	Sixth MOTION for Extension of Time until 1/9/2020 <i>for</i> production deadline by Department of Defense. (Elicker, Natalie) (Entered: 10/11/2019)